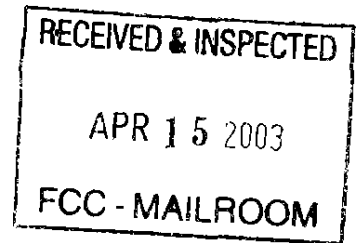


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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



In the Matter of)

Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations.)
(Evant, Texas))

MM Docket No. 01-188

To: The Commission

APPLICATION FOR REVIEW
(Evant, Texas)

1. Pursuant to Section 1.115 of the Commission's Rules, Charles Crawford seeks Commission review of the Media Bureau's Order released April 4, 2003, copy attached, setting aside an allotment of channel 243A to Evant, Texas, as had been petitioned by Mr. Crawford and previously granted by the Media Bureau.

QUESTION PRESENTED

2. The following question is presented: Did Mr. Crawford have reasonable notice under FCC rules and practices that a previously filed petition to allot an FM channel to Quanah, Texas, posed a conflict with his petition to allot an FM channel to Evant, Texas?

FACTORS WARRANTING COMMISSION CONSIDERATION

3. commission consideration of this question is warranted because the rules and practices followed in the circumstances of this case failed to provide a citizen with adequate notice as required by the Administrative Procedure Act ("APA") resulting in

agency action that is arbitrary and capricious contrary to law.

ARGUMENT

4. Incorporated by reference is Mr. Crawford's Application for Review of the Media Bureau's decision denying petitions for allotment of FM channels to Benjamin and Mason, Texas under similar circumstances, i.e., arising from a counterproposal that was filed in the Quanah proceeding. We incorporate the Application for Review dated February 3, 2003, the Reply to Opposition dated March 3, 2003 and the Supplement to Application for Review dated March 20, 2003, MM Dockets No. 01-131 and 01-1331 (referred to herein as "Application for Review-Benjamin and Mason").¹

5. No purpose would be served by filing a petition for reconsideration with the Media Bureau before submitting this Application for Review with regard to the Evant matter. In the Benjamin and Mason proceedings, Mr. Crawford did seek reconsideration which was denied by the Media Bureau by Memorandum Opinion and Order. The legal issues and arguments there are precisely the same here. There is no material difference in the factual circumstances.

6. In the Benjamin and Mason proceedings, Benjamin and Mason were located 60 and 200 miles, respectively, distant from Quanah and the proposed allotments were relatively low-powered FM

¹ The Supplement disclosed the issue which underlay the allotment to Evant, an act of responsibility on the part of Mr. Crawford and his counsel as an officer of the court, a matter not mentioned in the terse Order issued by the Media Bureau.

facilities on channels which did not conflict with each other. So, too, here, Evant is located some 200 miles from Quanah and Mr. Crawford proposes a low powered class A facility on a frequency unrelated to the Quanah frequency.

7. In order to discern any conflict in the Benjamin and Mason proceedings, one must have had the prescience to anticipate and follow a sixteen-step² labywrinthine trail of proposed allotments and realLOTments in a humongous counterproposal stretching hundreds of miles from South Texas into much of Oklahoma that was going to be filed on the "comment date" relative to the Quanah proceeding long after the time when Mr. Crawford's petitions for Benjamin and Mason were filed.

8. So too here. Only when one reaches step number thirteen of the labywrinthine trail does the subterranean prospect of a conflict rise to the surface, when the counterproposal's wild rearrangement of frequencies to secure new major market facilities for Dallas-Fort Worth, San Antonio and Austin requires a channel change (to 243) for a suburb of Austin. That change would conflict with Mr. Crawford's petition -- filed long before the counterproposal was filed on the Quanah proceeding "comment date" -- to allot the same channel 243 to Evant. Both communities are far removed from Quanah 200 miles to the north near the Texas Panhandle.

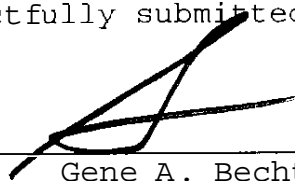
² In point of fact, a seventeen-step labywrinthine trail, see Application for Review relative to Harper, Texas, filed contemporaneously with the instant Application for Review relative to Evant, Texas.

9. Mr. Crawford could not reasonably have foreseen such a conflict when he filed the Evant petition with only the Quanah petition then in existence and in the public record. For the FCC to reach that result by application and interpretation of its allotment rules and practices is a violation of the Administrative Procedure Act requiring agencies to give reasonable notice to citizens of the nature and import of their notices of proposed rulemaking.

REQUESTED RELIEF

10. For reasons stated above and in the Application for Review-Benjamin and Mason incorporated herein, it is requested (a) that the Media Bureau's Order be reversed, (b) that the allotment to Evant be reinstated, (c) that the Commission initiate inquiry addressed to the bona fides of the Quanah petition in relation to the pre-prepared massive counterproposal ready for immediate filing on the "comment date" for the Quanah petition and (d) that the Commission take other corrective action as may be appropriate

Respectfully submitted,



Gene A. Bechtel

Law Office of Gene Bechtel, P.C.
Suite 600, 1050 17th Street, N.W.
Washington, D.C. 20036
Telephone 202-496-1289
Telecopier 301-762-0156

Counsel for Charles Crawford

April 14, 2003

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Evant, Texas)

MMDocketNo. 01-188
RM-10442

ORDER

Adopted: April 2, 2003

Released: April 4, 2003

By the Assistant Chief, Audio Division

1. The Audio Division has before it the multiple-docket *Report and Order*, DA 03-631, released March 14, 2003. That order granted the request of Charles Crawford to allot Channel 243A at Evant, Texas as the community's first local aural transmission service, as proposed in this proceeding, MM Docket No. 01-188. Because the proposed allotment is not in compliance with Sections 73.207(b) and 73.208(a)(3) of the Commission's Rules, we are, on our own motion, setting aside that allotment.

2. Accordingly, and under Section I.113 of the Rules, the allotment of Channel 243A at Evant, Texas in the aforementioned *Report and Order* is HEREBY SET ASIDE.

3. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202)418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

CERTIFICATE OF SERVICE

I certify that on this 14th day of April, 2003, I have caused copies of the foregoing APPLICATION FOR REVIEW (Evant, Texas) to be placed in the United States mails, postage prepaid, first class, addressed to the following:

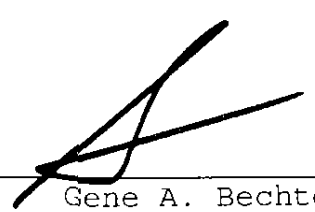
Mark N. Lipp, Esq.
Shook Hardy & Bacon, LLP
600 14th Street, N.W.
Suite 800
Washington, D.C. 20005

Lawrence N. Cohn, Esq.
Cohn and Marks, LLP
1920 N Street, N.W.
Suite 300
Washington, D.C. 20036

Co-counsel for Rawhide Radio L.L.C

Gregory Masters, Esq.
Wiley Rein & Fielding, LLP
1776 K Street, N.W.
Washington, D.C. 20006
Counsel for Clear Channel Broadcasting Licenses,
Inc. and Capstar TX Limited Partnership

Matthew L. Liebowitz, Esq.
Liebowitz & Associates, PA
1 SE Third Avenue, Suite 1450
Miami, Florida 33131
Counsel for Next Media Licensing, Inc.



Gene A. Bechtel